

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 11, 2020
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Zoom/ City of Muskegon Government Facebook Page

AGENDA

- I. Roll Call
- II. Approval of Minutes from the special meeting of May 4, 2020.
- III. Public Hearings
 - A. Hearing, Case 2020-11: Request for a Special Use Permit to convert the ground floor commercial space in a legally non-conforming mixed use building into four additional apartments at 995 E Forest Ave, by Lakeside Properties Group, LLC.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Meisch, City Clerk
933 Terrace Street

STAFF REPORT

June 11, 2020

Hearing, Case 2020-11: Request for a Special Use Permit to convert the ground floor commercial space in a legally non-conforming mixed use building into four additional apartments at 995 E Forest Ave, by Lakeside Properties Group, LLC.

SUMMARY

1. The property is zoned R-2, Medium Density Single Family Residential.
2. The building is a mixed-use type, with an apartment above a vacant commercial space.
3. The commercial space has been vacant for many years. Its location and condition ensure that it will remain difficult to attract any commercial investors.
4. The applicant is requesting to utilize the commercial space as four additional apartments, for a total of five apartments in the building. Staff agrees that the space would be better utilized as apartments, rather than to continue to sit vacant and become obsolete and blighted.
5. The ordinance allows previously existing or established commercial uses not already converted to residential to be used for limited business purposes with a special use permit (see zoning excerpt below). Most of these allowed business uses are considered more intrusive to a neighborhood than additional apartments, so staff has interpreted the ordinance to allow less intensive (residential) uses with a special use permit as well. This will also ensure that in the event of a disaster, the property could only be redeveloped into a single family residence, which fits in with the neighborhood.
6. Please see the enclosed floor plan. The plan is difficult to read, but it appears that the two 2-bedroom units both measure 754 sf and the two 1-bedroom units measure 650 sf each. The one unit apartments meet the minimum size requirements (required 650 sf) but the two-unit apartments do not (required 875 sf). It is also unclear how the southern most apartment is accessed.
7. Apartments require two parking spaces per unit. There are two garage spaces on the Madison St side of the building. The terrace has been paved on both Madison St and Forest Ave, leaving enough room for six additional parking spaces. On-street parking is also allowed in this neighborhood and there is no room on the property for people to park illegally on grass. Staff believes that the parking is adequate for this type of development.
8. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has not received any comments.

ZONING ORDINANCE EXCERPT

Single Family Residential Districts

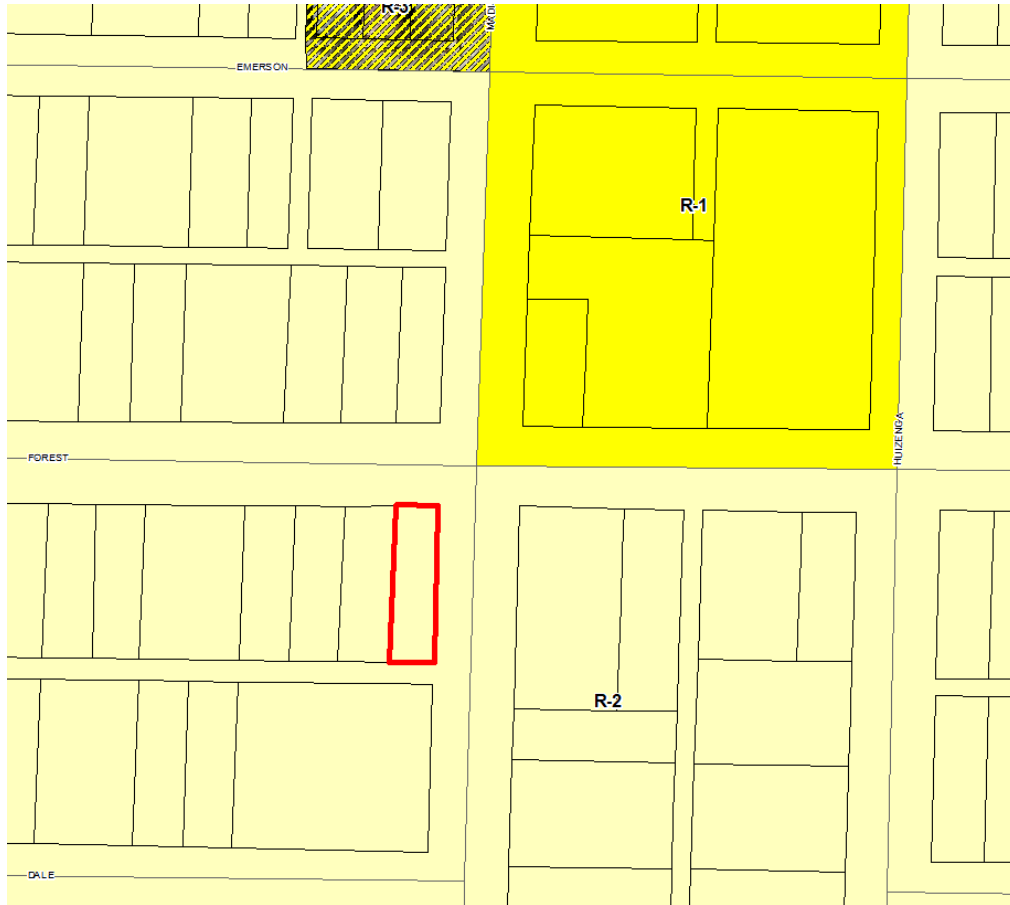
Section 401: Special Land Uses Permitted:

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - i. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.

- ii. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - iii. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - iv. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
- b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.



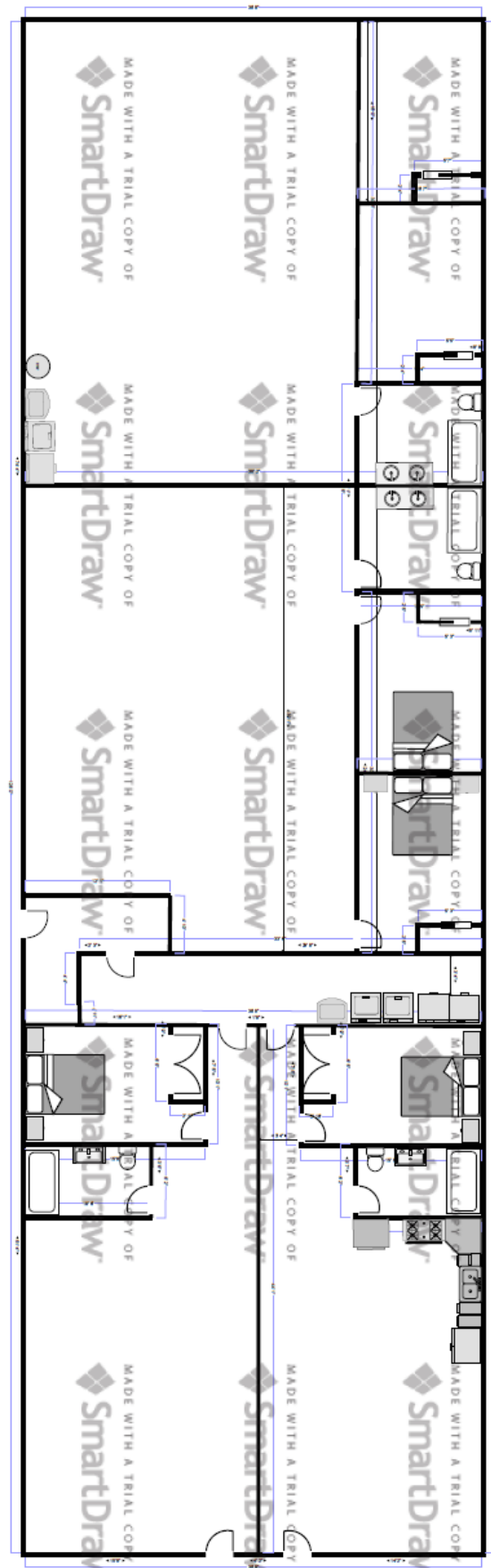
Zoning Map



Aerial Map



Floor Plan



STAFF RECOMMENDATION

Staff recommends to table the case until the applicant revises the units to meet the minimum size requirements and provides a legible floor plan.

DELIBERATION

Motion for consideration:

I move that the request for a Special Use Permit to convert the ground floor commercial space in a legally non-conforming mixed use building into four additional apartments at 995 E Forest Ave, by Lakeside Properties Group, LLC.